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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,704	07/28/2003	Giuseppe Bosio	71074	4063

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MCGLEW & TUTTLE, PC  
1 SCARBOROUGH STATION PLAZA  
SCARBOROUGH, NY 10510-0827

EXAMINER

STRIMBU, GREGORY J

ART UNIT PAPER NUMBER

3634

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/628,704	BOSIO, GIUSEPPE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gregory J. Strimbu	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

### ***Drawings***

The drawings are objected to because the section line A-A in figure 2 should be changed to 3-3 to indicate which figure shows the view taken along the section line. Additionally, the section line B-B in figure 3 should be changed to 5-5 to indicate which figure shows the view taken along the section line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "[t]he invention concerns" on line 1 can be easily implied and therefore should be deleted. On line 5, the legal phraseology "said" should be avoided. On line 5, "it" is confusing since it is unclear if the applicant is referring to the coupling or to the element. On line 9, it is suggested that the applicant replace the pronoun "its" with the element of the invention to which the pronoun refers. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: the reference to claim 1 on lines 19-20 of page 2 should be removed. On line 3 of page 3, it is suggested that the applicant change "A-A" to --3-3-- to agree with the drawing changes. On line 5 of page 3, it is suggested that the applicant change "B-B" to --5-5-- to agree with the drawing changes.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the release mechanism.

***Claim Rejections - 35 USC § 112***

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “command and release device” on lines 1-2 of claim 1 render the claims indefinite because it is unclear if the command and release device comprises part of the invention or is part of a swing gate. Recitations such as “or” on line 2 of claim 1 render the claims indefinite because it is unclear which one of the two non-equivalent alternatives the applicant is attempting to positively set forth. Recitations such as “the swing gate” on line 5 of claim 1 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of an actuator or the combination of an actuator and a swing gate. The preamble of claim 1 implies the subcombination while the positive recitation of the swing gate implies the combination. Recitations such as “commanded” on line 6 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How does one command a swing gate? Recitations such as “said transmission joint comprised of” on line 7 of claim 1 are grammatically awkward and confusing. Recitations such as “frontal teeth” on lines 7-8 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How do frontal teeth differ from teeth? Recitations such as “the said” on line 9 of claim 1 are repetitive and unnecessary. Recitations such as “the device” on line 10 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as “the drive” on line 4 of claim 2 render the claims indefinite

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because it is unclear to which one of the plurality of drives set forth above the applicant is referring. Recitations such as "frontal teeth" on line 4 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the frontal teeth set forth above or is attempting to set forth frontal teeth in addition to the ones set forth above. Recitations such as "close" on line 5 of claim 2 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "the drive element" on line 2 of claim 3 render the claims indefinite because they lack antecedent basis. Recitations such as "the lobe, security type or similar" on line 5 of claim 4 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises a security type key and what is similar to a security type key?

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Current in view of Hall and Toulmin. Current, in figure 4, discloses an electrical actuator 10 for swing gates 12, comprising, inside a casing 36, a non-reversible electrical gear motor (not shown, but see column 4, lines 13-14) actuating via a transmission joint 74 the rotation of a non-reversible worm screw 48 that engages a nut screw 52 fixed to the swing gate to be commanded through a drive pin 58, characterized in that said

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transmission joint is inserted between an output shaft 64 of the gear motor and the worm screw. Current is silent concerning a cylinder or rod, frontal teeth or a release element.

However, Hall discloses an electrical actuator comprising a nut screw 29 having an axially translating cylinder (not numbered, but comprising the portion of the nut screw beyond point 31, see column 2, lines 10-16) connected thereto.

It would have been obvious to one of ordinary skill in the art to provide Current with a cylinder, as taught by Hall, to improve the linear movement of the nut along the screw.

Additionally, Toulmin, in figure 7, discloses an electrical actuator comprising a command and release device 46 comprised of a coupling with frontal teeth (not numbered, but shown in figure 7) and a release element (not numbered, but shown in figure 7) is associated in a radial manner to the coupling for a manual disengagement of the device.

It would have been obvious to one of ordinary skill in the art to provide Current with a command and release device, as taught by Toulmin, to provide a more reliable engagement between the motor drive shaft and the screw.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Current in view of Hall and Toulmin as applied to claim 1 above. Toulmin teaches a first drive element of the transmission joint 46 keyed onto and sliding on the worm screw 16 and a second drive element fixed to the drive shaft (not numbered, but shown in figure 7) of

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the motor. However, it has been held that a mere reversal of the essential working parts of a device involves no more than routine skill in the art, In re Einstein, 8 USPQ 167, it would have been obvious to one of ordinary skill in the art to slidably mount the first drive element to the drive shaft of the motor and fixed mount the second drive element to the worm screw.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Current in view of Toulmin and Hall as applied to claim 1 above, and further in view of Gibson et al. Gibson et al. discloses a thrust spring 40.

It would have been obvious to one of ordinary skill in the art to provide Current, as modified above, with a thrust spring, as taught by Gibson et al., to maintain the coupling in an engaged condition.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Current in view of Toulmin and Hall as applied to claim 2 above, and further in view of Gibson et al. Gibson et al. discloses a thrust spring 40.

It would have been obvious to one of ordinary skill in the art to provide Current, as modified above, with a thrust spring, as taught by Gibson et al., to maintain the coupling in an engaged condition.



***Allowable Subject Matter***

Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach an actuator wherein the release element is comprised by an eccentric pin associated with an annular groove on the periphery of the drive element, said eccentric pin being rotatable from an engagement position to a release position of the coupling through the rotation of a lock barrel by a respective key, that can be of the lobe, security type or similar. See claim 4, lines 1-5.

Claims 5-8 and 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach an actuator wherein the release element is comprised by an eccentric pin that engages an annular groove in a radial way arranged around the drive element movable between an engagement position and a release position of the

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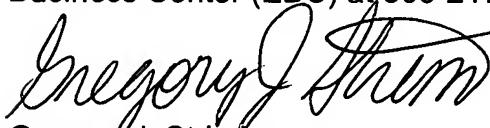
coupling through the rotation of a lock barrel by a respective key that can be of the lobe, security type or similar. See claim 5, lines 16-19.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brandt, Ehrenberger, Roy, Catlett, Denslinger et al. and Kalog are cited for disclosing a cited for disclosing a clutch mechanism for a drive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
March 3, 2005